



21874  
EDWARDS ANGELL PALMER & DODGE LLP  
P.O. Box 55874  
Boston, MA 02205

**MAILED**  
**SEP 30 2011**

In re Application of :  
KOHNO *et al* :  
U.S. Application No.: 10/585,985 :  
PCT No.: PCT/JP2005/000737 :  
Int. Filing Date: 21 January 2005 :  
Priority Date: 21 January 2004 :  
Attorney Docket No.: 80441(302767) :  
For: PROTEIN IMMOBILIZATION METHOD :  
AND QUANTIFICATION METHOD :

**PCT LEGAL ADMINISTRATION**

**DECISION**

This is a decision on the second renewed petition under 37 CFR 1.78(a)(3) filed 03 August 2011, to accept an unintentionally delayed claim for the benefit of priority to the prior-filed international applications set forth in the amendment filed with the petition.

The second renewed petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). The petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Items (2) and (3) were previously submitted. Regarding item (1), applicants included an amendment to the specification which identifies the proper relationship of the international applications to the instant application. All items of 37 CFR 1.78(a)(3) are now complete.

Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3), the petition is granted.

***The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.***

A corrected Filing Receipt, which includes the priority claim to the prior-filed international application accompanies this decision on petition.

Any questions concerning this decision may be directed to James Thomson at (571) 272-3302.

This matter is being referred to Technology Center Art Unit 1641 for appropriate action on the amendment filed 03 August 2010, including consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed international application designating the United States of America.



Bryan Lin  
Legal Examiner  
Office of PCT Legal Administration